

By Senator Paulus:
Petition numerously signed by citizens of his district expressing opposition to House bill No. 341.

By Senator Paulus:
Petition numerously signed by citizens of his district urging passage of "An Act to define and regulate the practice of optometry."

By Senator Ratliff:
Petition numerously signed by citizens of his district asking the Legislature to oppose House bill No. 319, providing for a county license of \$375 against itinerant venders of medicine.

By Senators Peeler and Adams:
Petitions numerously signed by citizens of their respective districts asking support in behalf of a measure placing a tax of \$375 against itinerant venders of medicine.

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, February 20, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman.

Real.

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, The Honorable J. G. (better known as Pat) Murphy, ex-mayor of the great city of San Angelo, and the Hon. Robt. P. Kirk, the present mayor of the beautiful city of Ballinger, are now in the gallery of the Senate,

Be it Resolved by the Senate that these two cowboy mayors be invited to address the Senate and the courtesies of the Senate be extended to them.

ADAMS,
HUDSPETH.

The resolution was read and adopted.

Senators Hudspeth, Adams and Bryan were appointed as a committee to escort the above named gentlemen to the president's stand.

BILLS AND RESOLUTIONS.

By Senators Cofer and Vaughan:

Senate Concurrent Resolution No. 18: Be it resolved by the Senate, the House of Representatives Concurring, that the regular session of the Thirty-second Legislature stand adjourned sine die at 12 o'clock meridian on Saturday the 11th day of March, A. D. 1911.

Read first time and referred to Committee on Finance.

By Senator Terrell of McLennan:

Senate bill No. 284, A bill to be entitled "An Act authorizing the sale of the railroad belonging to the State extending from Rusk to Palestine and its appurtenances, providing the manner of fixing the consideration and terms of the sale and to whom same may be sold, and if sold to the owners of a railroad it may be operated as a part thereof, placing it under the supervision of the Railroad Commission, providing how the proceeds of sale shall be applied, and providing the manner of making the conveyance; providing further, if no sale can be made in a given time, then the State Railroad, equipment and appurtenances shall be leased, to whom it

may be leased and how the proceeds of the lease shall be applied, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Willacy:

Senate bill No. 283, A bill to be entitled "An Act to require persons, firms and corporations who have built or who may hereafter build any dam across any flowing river or natural stream in those portions of this State where by reason of insufficient or of irregularity of rainfall, irrigation is beneficial for agriculture, to equip the same with an opening and gate so as to permit the ordinary flow of such river or stream to pass through such dam; defining the ordinary flow of such streams and providing a method for measuring the same; providing a rule of damages for failure to comply with this Act; authorizing the impounding of rain, surface and storm waters in the rivers, streams, creeks, canyons, arroyos, ravines, depressions and watersheds of this State for the purpose of irrigation, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation. Morning call concluded.

By unanimous consent after the morning call was concluded.

By Senator Mayfield (by request): Senate Bill No. 285, A bill to be entitled "An Act providing that the State Board of Embalming shall make annual reports to the State Health Officer and shall pay a certain portion of all fees collected by it into the State Treasury."

Read first time and referred to Committee on Public Health.

By Senator Collins:

Senate bill No. 286, A bill to be entitled "An Act to incorporate the city of Port Arthur, Jefferson county, Texas, and to grant to it a new charter; to provide for a commission form of government; and to define its powers and prescribe its duties and liabilities; and to declare an emergency and to repeal all acts in conflict herewith."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Sturgeon:

Senate bill No. 287, A bill to be en-

titled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure for the State of Texas.'"

Read first time and referred to Judiciary Committee No. 2.

By Senators Sturgeon, Meachum, Murray and Cofer:

Senate bill No. 288, A bill to be entitled "An Act to adopt and establish the 'Revised Civil Statutes of the State of Texas' and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Meachum, Vaughan and Watson:

Senate Joint Resolution No. 13, proposed amendment to the State Constitution, amending Article 5 of the Constitution relating to the Judicial Department of the State Government by adopting in lieu thereof the following:

Senate Joint Resolution to amend Article 5 of the State Constitution of the State of Texas in regard to the Judicial Department thereof by adopting in lieu thereof the following:

Read first time and referred to Committee on Constitutional Amendments.

SIMPLE RESOLUTION.

Whereas, The Hon. Will H. Mays, former president of the National Press and Texas Press Association, one of Texas' best newspaper men, is now in the gallery, be it

Resolved, That Mr. Mays be invited to address the Senate, and the courtesies of the Senate be extended to him.

PERKINS,
ADAMS,
HUDSPETH.

The above resolution was read and adopted.

The Chair appointed Senators Perkins, Adams and Hudspeth to escort Mr. Mays to the President's stand, who, after being introduced, addressed the Senate briefly.

SIMPLE RESOLUTION.

By Senator Vaughan:

Resolved by the Senate that the Senate hold night sessions three nights during each week, on Monday night, Wednesday night and Friday night, beginning at once upon the adoption of this resolution, and that

at each night session the Secretary call the roll of Senators in alphabetical order and when a Senator's name is called he shall have the privilege to call up and have considered by the Senate till it is disposed of one bill to be named by him, which shall be considered if two-thirds of the Senators present concur in giving consent thereto, and when a bill is taken up at a night session it shall be considered till disposed of, and if it is not disposed of at such night session, it shall be pending business the next day.

Senator Ratliff offered the following amendment to the resolution:

Amend the resolution by changing the manner of the roll call from alphabetical order to districts by numerical order.

Senator Murray moved to refer the resolution to the Committee on Rules, and

Senator Vaughan moved to table the motion to refer the resolution to the Committee. The motion to table prevailed.

Action recurred on the amendment and the same was adopted by the following vote:

Yeas—20.

Adams.	Perkins.
Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan.
Hudspeth.	Townsend.
Hume.	Vaughan.
Meachum.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.

Nays—9.

Astin.	Mayfield.
Collins.	McNealus.
Greer.	Terrell, Wise.
Johnson.	Willacy.
Lattimore.	

Absent.

Kauffman.	Real.
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(President Pro Tem Hudspeth in the chair.)

Senator Watson offered the following substitute for the amendment:

Substitute Resolution, Be it resolved by the Senate that night sessions be held on Monday, Wednesday and Friday nights.

Senator Vaughan moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—17.

Bryan.	Meachum.
Carter.	Murray.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Nays—12.

Adams.	Perkins.
Astin.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Kauffman.	Real.
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Senator Vaughan then moved the previous question on the resolution, the same being duly seconded, was so ordered.

The resolution was read and adopted by the following vote:

Yeas—23.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Willacy.
Meachum.	

Nays—5.

Hume.	Watson.
Murray.	Weinert.
Terrell, McLennan.	

Present—Not Voting.

McNealus.

Absent.

Kauffman.	Real.
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Senator Vaughan moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Townsend:

Be it resolved by the Senate that the Senate have explicit confidence in the integrity and ability of the Senator from Dallas, and have no disposition or inclination to interfere with his wishes as to local matters touching the city of Dallas.

STURGEON.

TOWNSEND.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Carter:

Whereas Hon. J. D. Rudd, of Harrison county, formerly a distinguished member of the House of Representatives of the Texas Legislature, is at the bar of the Senate, therefore, be it resolved that Hon. J. D. Rudd be invited to address the Senate and be accorded the privileges of the floor.

CARTER,
VAUGHAN.

The resolution was read and adopted. The chair appointed Senators Carter, Vaughan and Collins to escort Mr. Rudd to the President's stand.

INVITATION TO ENTERTAINMENT

February 20, 1911.

To the Honorable President and Members of the Senate.

Gentlemen: You are most cordially invited to be present at an entertainment given by the pupils of the Blind Institute, Tuesday, February 28, 1911, at 8 p.m.

Most respectfully,
E. E. BRAMLETTE,
Superintendent.

On motion of Senator Willacy the invitation was accepted.

SENATE BILL NO. 199—REFUSED TO TAKE UP.

Senator Terrell of McLennon moved that the pending order of business (Senate bill No. 81) be suspended and the Senate take up, out of order, Senate bill No. 199.

The motion was lost by the following vote: A two-thirds vote being necessary.

Yeas—16.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Hudspeth.	Terrell, McLennan.
Hume.	Ward.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—12.

Bryan.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

Absent.

Kauffman.	Real.
Mayfield.	

REFUSED TO TAKE UP BILL.

Senator Paulus moved that the pending order of business (Senate bill No. 81) be suspended and the Senate take up, out of its order, Senate bill No. 249.

Senator Cofer moved as a substitute, that the pending order of business (Senate bill No. 81) be suspended and the Senate take up, out of order, Senate bill No. 1.

Action recurred on the substitute motion first, and Senator Paulus moved to table the substitute motion, which motion to table was lost by the following vote:

Yeas—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—16.

Bryan.	McNealus.
Cofer.	Perkins.
Carter.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Absent.

Real.

PAIRED.

Senator Sturgeon (present), who would vote aye, with Senator Kauffman (absent), who would vote nay.

Action then recurred on the substitute motion and the same was adopted by the following vote:

Yeas—16.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Nays—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Real.

PAIRED.

Senator Sturgeon (present), who would vote aye, with Senator Kauffman (absent), who would vote nay.

The point of order was made that it required a two-third vote to adopt the substitute motion, but the chair, President Pro Tem. Hudspeth, held that a majority vote was sufficient to adopt the substitute motion, but that it required a two-thirds vote to adopt the motion, as substituted.

Action recurred on the motion, as substituted, and the same was lost by the following vote, the Chair holding that a two-thirds vote would be necessary:

Yeas—16.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Nays—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Real.

PAIRED.

Senator Sturgeon (present), who would vote aye, with Senator Kauffman (absent), who would vote nay.

At the conclusion of the roll call, Senator McNealus entered the Senate Chamber and asked to vote, and the point of order was made that the Senator had no right to vote as he was not in the room when the question was put.

The Chair (Senator Hudspeth) held that the Senator could vote, and he was so recorded.

SENATE BILL NO. 81.

The chair laid before the Senate as regular order.

Senate bill No. 81. A bill to be entitled "An Act providing for the appointment of additional judges, clerks and supervisors for elections at which a constitutional amendment or any question or proposition is voted upon; and providing that the vote of any county, city or other political subdivision or voting precinct of any county wherein this Act is not complied with shall not be counted as to or in the determination of the adoption or rejection of such constitutional amendment, question or proposition, and declaring an emergency."

The bill having been read, action recurred on the following pending amendment:

Amend the bill by striking out the words in line 27 and 28 on page 1, "if they be reputable citizens, but not otherwise."

The amendment was adopted.

Senator Murray offered the following amendment:

Amend the bill by striking out all of Section 3 and renumbering the remaining sections.

ADDITION TO STANDING COMMITTEE.

Senator Perkins, chairman, moved

that Senator Watson be added to the Committee on Educational Affairs.

The motion prevailed.

RECESS.

Senator Watson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Terrell of Wise moved, as a substitute, that the Senate recess until 4 o'clock today.

Action recurred on the longest time first and the motion to adjourn was lost by the following vote:

Yeas—11.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Meachum.	Willacy.
Murray.	

Nays—15.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	

Absent.

Real.

PAIRED.

Senator Sturgeon (present), who would vote "nay," with Senator Kauffman (absent), who would vote "yea."

Senator Weinert (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Action recurred on the motion to recess until 4 o'clock today, and Senator Watson moved, as a substitute, that the Senate recess until 5 o'clock today.

Action recurred on the longest time first and the motion to recess until 5 o'clock today was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 81.

Action recurred on Senate bill No. 81, the question being on the pending amendment by Senator Murray.

Senator Murray, by unanimous consent, withdrew his amendment.

Senator Lattimore offered the following amendment:

Amend the printed bill, page 2, by striking out the present Section 2 of the bill and inserting the following Section 2:

"Any county judge who shall refuse to endorse his approval on the certificate of nomination provided for in Section 1 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, and by imprisonment in the county jail for some period of time not less than one month nor more than one year. Provided further, that in addition to the penalty provided herein, such refusal of such county judge shall be deemed sufficient ground for the impeachment of such judge and for his removal from office."

LATTIMORE,
WARREN,
STURGEON.

Pending.

Pending discussion, Senator Lattimore moved that further consideration of the bill be postponed until tomorrow morning after the consideration of the special order.

The motion prevailed.

SENATE BILL NO. 249—MADE SPECIAL ORDER.

On motion of Senator Paulus, Senate bill No. 249. A bill to be entitled "An Act conferring upon the Board of Prison Commissioners authority to issue paroles to meritorious convicts and to make and establish rules and regulations to carry the same into effect, and declaring an emergency."

Was made a special order for tomorrow morning after action on Senate Bill No. 81.

SENATE JOINT RESOLUTION NO. 5.

The Chair laid before the Senate on second reading and special order, Senate Joint Resolution No. 5, "To

amend Section 3 of Article 7 of the Constitution of the State of Texas in regard to the taxing power of school districts, incorporated cities and towns, and counties."

Senator Murray offered the following amendment:

Amend the resolution by striking out all after the word "before" in line 25, page 2, down to and including "1911" in line 26, and insert in lieu thereof the following: the general election to be held in November, 1912.

Senator Hume moved that the Senate adjourn until 10 o'clock tomorrow morning, but the motion was lost.

(President Pro Tem. Hudspeth in the chair.)

The amendment was adopted.

Senator Murray offered the following amendment, which was read and adopted:

Amend the resolution by adding at end of Section 1 the following: Provided the tax herein provided shall never exceed 75 cents on the \$100 of the taxable values of the property subject to such tax.

Senator Watson offered the following amendment, which was read and adopted:

Amend the caption line 8 by striking out the words "and counties."

(Senator Meachum in the chair.)

Senator Watson offered the following amendment, which was read and adopted:

Amend page 2, line 12, by adding between the words "collected" and "at," the word "if."

The resolution was read second time and ordered engrossed.

(Senator Hume in the chair.)

Senator Johnson moved that the pending order of business (Senate bill No. 41) be suspended, and the Senate take up, out of its order, Senate bill No. 276.

Senator Terrell of McLennan, moved as a substitute that the pending order of business (Senate bill No. 41) be suspended, and the Senate take up, out of its order Senate Joint Resolution No. 4.

RECESS.

On motion of Senator Sturgeon, the Senate at 6:25 o'clock p. m. re-

cessed until 8:30 o'clock p. m. to-night.

AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

REFUSE TO ADJOURN.

Pending delay, Senator Hudspeth moved that the Senate adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—10.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Weinert.

Nays—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
McNealus.	Willacy.

Absent.

Hume.	Real.
Mayfield.	

PAIRED.

Senator Sturgeon (present), who would vote "nay," with Senator Kauffman (absent), who would vote "yea."

The Chair here announced that, in accordance with the resolution adopted this morning, providing for night sessions, he would recognize each Senator by the number of his district.

SENATE BILL NO. 16—REFUSED TO TAKE UP.

Senator Vaughan (District No. 1) moved that the pending order of business (Senate bill No. 41) be suspended, and the Senate take up, out of its order, Senate bill No. 16.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—16.

Bryan.	McNealus.
Carter.	Murray.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	Willacy.

Nays—9.

Adams.	Perkins.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Paulus.	Weinert.
Peeler.	

Absent.

Meachum.	Real.
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PAIRED.

Senator Hume (absent), who would vote "nay," with Senator Ward (present), who would vote "yea."

Senator Sturgeon (present), who would vote "yea," with Senator Kauffman (absent), who would vote "nay."

SENATE BILL NO. 51—REFUSE TO TAKE UP.

Senator Ratliff (District No. 2) moved that the regular order of business (Senate bill No. 41) be suspended and the Senate take up, out of its order, Senate bill No. 51.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	

Nays—9.

Adams.	Peeler.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Kauffman.	Real.
Meachum.	

PAIRED.

Senator Ward (present), who would vote "yea," with Senator Hume (absent), who would vote "nay."

SENATE BILL NO. 139.

Senator Sturgeon (District No. 3) moved that the regular order of business (Senate bill No. 41) be suspended, and the Senate take up, out of its order, Senate bill No. 139.

The motion was adopted by the following vote, a two-thirds vote being necessary:

Yeas—18.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Willacy.

Nays—9.

Adams.	Peeler.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Hume.	Weinert.
Paulus.	

Absent.

Kauffman.	Murray.
Meachum.	Real.

The Chair laid before the Senate on second reading,

Senate bill No. 139, A bill to be entitled "An Act providing for the levy and collection of an occupation tax from persons, firms, corporations of persons running or conducting pool or billiard tables; also authorizing each county and incorporated city in which any such pool or billiard table is run or conducted to levy an occupation tax, and declaring an emergency."

There being an adverse majority committee report and a favorable minority committee report.

Senator Sturgeon moved to adopt the minority committee report, which motion prevailed.

(President Pro Tem. Hudspeth in the chair.)

Senator Hume offered the following amendment:

Amend the bill by striking out billiard tables or table wherever it occurs.

Senator Sturgeon moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—16.

Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—13.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Terrell, McLennan.
Hudspeth.	Watson.
Hume.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman. Real.

Senator Hume made the point of order on the bill that it was not in conformity with the Constitution; that it was a revenue raising measure and should originate in the House of Representatives.

REFUSE TO ADJOURN.

Pending discussion on the point of order, Senator Perkins, at 10:10 o'clock p. m., moved that the Senate adjourn until 8 o'clock tomorrow morning.

Senator Watson moved as a substitute that the Senate adjourn until 10 o'clock tomorrow morning.

Action being on the longest time and the motion to adjourn until 10 o'clock was lost by the following vote:

Yeas—12.

Adams.	Hume.
Astin.	Meachum.
Hudspeth.	Murray.

Paulus.	Watson.
Peeler.	Weinert.
Terrell, McLennan.	Willacy.

Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Absent.

Kauffman. Real.

The motion to adjourn until 8 o'clock tomorrow morning was lost by the following vote:

Yeas—11.

Adams.	Paulus.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Hume.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—18.

Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Absent.

Kauffman. Real.

SENATE BILL NO. 139.

Action recurred on Senate bill No. 139, the question being on the point of order by Senator Hume.

Pending discussion on the point of order, Senator Vaughan made a point of order that Senator Hume was speaking for delay. The Chair, President Pro Tem. Hudspeth, held that the Senator would confine himself to the point of order.

Pending further discussion, Senator Vaughan demanded that the point of order be immediately decided,

which was seconded by ten Senators, and which was in accordance with rule 91.

The demand prevailed by the following vote:

Yeas—16.

Bryan.	McNealus.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Nays—11.

Adams.	Peeler.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Present—Not Voting.

Hume.	Perkins.
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Absent.

Kauffman.	Real.
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The chair, President Pro Tem. Hudspeth, sustained the point of order by Senator Hume.

Senator Sturgeon appealed from the ruling of the chair.

Senator Ratliff was called to the chair and presided.

Question—Shall the chair be sustained?

The Senate refused to sustain the chair by the following vote:

Yeas—11.

Adams.	Peeler.
Astin.	Terrell, McLennan.
Hume.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—15.

Bryan.	Lattimore.
Carter.	Mayfield.
Cofer.	McNealus.
Collins.	Ratliff.
Greer.	Sturgeon.
Johnson.	Townsend.

35—S.

Vaughan.	Warren.
Ward.	

Present—Not Voting.

Hudspeth.	Terrell, Wise.
Perkins.	

Absent.

Kauffman.	Real.
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(President Pro Tem. Hudspeth resumed the chair.)

Action recurred on Senate bill No. 139, and Senator McNealus offered the following amendment:

Amend the bill by striking out all of Section 1 and substituting therefor the following:

Section 1. There shall be levied on and collected from every person, firm, corporation or association of persons engaged in running or conducting any pool table or tables, or any table of like character by whatever name known, in a public place, and for profit, an annual occupation tax of five hundred dollars for each pool table so run or conducted, which shall be paid in advance; and any such pool table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit; and each county and also each incorporated city or town in which such pool table or tables are so run or conducted may levy and collect from every person, firm, corporation or association of persons conducting the same, five hundred dollars for each table.

Pending.

(Lieutenant Governor Davidson in the chair.)

Senator Hume made the point of order on the amendment, that it provided for the raising of revenue and could not be considered by the Senate as an original matter.

REFUSED TO ADJOURN.

Senator Perkins at 10:50 o'clock p. m. moved that the Senate adjourn until 9 o'clock tomorrow morning. the motion was lost by the following vote:

Yeas—2.

Adams. Willacy.

Nays—23.

Astin.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Lattimore.	Gaughan.
Mayfield.	Ward.
McNealus.	Wayren.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Present—Not Voting.

Carter. Johnson.

Absent.

Bryan. Meachum.
Kaufman. Real.

BILL ON FIRST READING.

(By Unanimous Consent.)

By Senators McNealus and Sturgeon:

Senate bill No. 289, A bill to be entitled An Act to amend Art. 196, Chapter 2, Texas Penal Code relating to the Sunday law.

Read first time and referred to Judiciary Committee No. 2.

SENATE BILL NO. 139.

Action recurred on Senate bill No. 139, the question being on the point of order by Senator Hume.

The Chair, Lieutenant Governor Davidson, announced that he would reserve his opinion on same in order to look up the authority on same.

Senator McNealus asked to withdraw his amendment, but there was objection.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 5, A bill to be entitled "An Act to amend Section 10, Chapter 36 of the Acts of the First Called Session of the Thirty-first Legislature, being an Act defining

and regulating fraternal beneficiary associations and repealing Chapter 116 of the General Laws of the Twenty-sixth Legislature of Texas, as amended by Chapter 86 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency."

House bill No. 70, A bill to be entitled "An Act creating and incorporating the Indian Gap Independent School District in Hamilton county, Texas, and defining its boundaries."

House bill No. 76, A bill to be entitled, "An Act creating a more efficient road system for Shelby county, Texas, giving the road superintendency of said county to the commissioners and the commissioners court. Each commissioner of said county is to superintend all public roads in his commissioners' precinct, defining the powers and duties and fixing the salary of each commissioner for road and bridge supervision and fixing penalties therefor, defining powers and duties of commissioners in said county with reference to road supervision, providing a method by which county convicts shall be worked upon county roads in said county; providing additional duties for road overseers in said county and additional powers; providing time hands shall be required to work on public roads in said county, fixing penalties for failure to do road duty in said county; with reference to the roads in said county; providing for the repeal of Chapter 16, Acts of the Thirty-first Legislature of the State of Texas, known as a 'Special Road Law for Shelby county, Texas'; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

House bill No. 16, A bill to be entitled "An Act to amend Section 9 and Section 9g, Section 9j and Section 14 and Section 15 of Chapter 17 of the Acts of the Thirty-first Legislature, of the First Called Session, approved April 17, 1909, being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations

of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure licenses to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this Act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of licenses of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act, and declaring an emergency, and adding Section 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which licenses may be obtained and transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this Act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to give time for securing licenses under this Act, and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency, so as to provide that every person or firm making an application for a permit to apply for a license as provided for in Section 9 of said Act, shall state in said application that he has not

opened or kept open in person or by agent a house or place of business where intoxicating liquors have been or are to be sold, and that he has not in person or by agent sold any intoxicating liquors therein after the hour of 7 o'clock p. m. on each week day and between that hour and 6 o'clock a. m. on the next succeeding week day, and after 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. on Monday of the next succeeding week; and that he or they will not contribute any money or thing of value to any campaign fund; and that the Comptroller shall issue the applicant a permit to apply for a retail liquor dealer's or retail malt dealer's license if he is satisfied that such applicant has not violated any of the provisions or conditions contained in this application, and that the city, town or justice precinct in which the applicant lives is entitled to another such permit; providing that the Comptroller shall rescind, vacate and withdraw retail liquor dealer's or retail malt dealers' license when it shall appear under the provisions of Section 9g that at any time after the issuance of said license the house or place where the business of selling of liquors under said license was conducted was kept open or business conducted therein after 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. of the following Monday of any week, and after 7 o'clock p. m. of each week day and from and between that hour and 6 o'clock a. m. of the next succeeding week day; provided that the Comptroller shall not issue more permits to apply for retail liquor dealer's licenses or retail malt dealer's licenses for any city, town or justice precinct than one such permit for each five hundred inhabitants thereof, and providing that every person or firm having a license under the provisions of said Act who may engage in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises, in any locality in this State other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 7 o'clock p. m. of each week day until 6 o'clock a. m. of the next week day, and from and after 7 o'clock p. m. on Saturday of each week day until 6 o'clock

a. m. of the following Monday, and so as to provide for the conditioning of the bond as provided for in Section 15 of said Act, so as to provide as a condition of said bond that every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, shall not either in person or knowingly by agent, employe or representative, during the year for which his or their license shall run, keep open the house or place where such liquors shall be sold under such license for the sale thereof or transact any such business therein after and from 7 o'clock p. m. on each week day until 6 o'clock a. m. of the next succeeding week day, and after and from 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. on Monday of the next succeeding week; and that he or they will not contribute any money or thing of value to any campaign fund; and that the Comptroller shall issue the applicant a permit to apply for a retail liquor dealer's or retail malt dealer's license if he is satisfied that such applicant has not violated any of the provisions or conditions contained in the application and that the city town or justice precinct in which the applicant lives is entitled to another such permit; and so as to eliminate from Section 15 of said Act, the following words, to wit: Provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond by reason of a breach of such condition; provided, further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is an habitual drunkard, and there are good grounds for such belief that shall be a valid defense to any recovery on such bond by reason of a breach of such condition; and providing that as soon as this Act goes into effect, all retail liquor dealers' and retail malt dealers' licenses heretofore issued shall immediately cease and determine, and that the holders of such licenses shall have until thirty days after this Act takes effect in which to obtain licenses in accordance herewith, said licenses to be dated as of the date this Act takes effect, and the

tax collector shall give such licensee credit for the unearned portion of such canceled license, as of the date this Act takes effect; and providing that during said thirty days said licensee shall have the right to pursue his business under and in accordance with the canceled license and the laws applicable to the same, which for that purpose, are hereby kept in force for said thirty days, and declaring an emergency."

House bill No. 282, A bill to be entitled "An Act to amend Section 6, Article 7, of a Special Act entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' adopted at the Regular Session of the Thirtieth Legislature of the State of Texas, approved on the 27th day of March, 1907, so as to provide that any insufficiency, real or supposed, in the caption to any resolution adopted by the City Council of the city of Denison shall not invalidate or otherwise affect any election or proceedings which may have been or which may be held thereunder or the validity of any bonds that may have been or which may be issued by said city, when the record of the proceedings in relation to such bonds shall have been approved by the Attorney General and such bonds registered as provided by law and declaring all bonds issued by said city since the 27th day of March, 1907, to be valid and binding obligations of said city requiring provisions for the payment of principal and interest of same, and declaring an emergency."

House bill No. 142, A bill to be entitled "An Act for the protection of stock raisers, farmers and horticulturists; providing for the destruction of wolves and other wild animals; to make an appropriation therefor; to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 109, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink, or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house, providing

a penalty for the violation of this Act, and declaring an emergency."

House bill No. 27, A bill to be entitled "An Act to provide for the erection of a monument over the remains of General Stephen F. Austin, in the State Cemetery at Austin, Texas; to make an appropriation therefor, and declaring an emergency."

House bill No. 83, A bill to be entitled "An Act to dissolve the independent school district in the town and vicinity of Katemcy, county of Mason, State of Texas, and described herein by metes and bounds. Said independent school district having been established under the Acts of 1905, Chapter 2, Title 18, Revised Statutes, on February 11, 1907, and Article 616, Revised Statutes, 1895, as amended by Chapter 45 of the Twenty-fifth Legislature, 1897, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Carter the Senate, at 11:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 236, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 132, A bill to be entitled "An Act providing for the appointment of official stenographers for district and county courts by the

judges thereof, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of making up and filing statements of facts and bills of exception in cases tried in such courts, and repealing Chapter 39 of the First Called Session of the Thirty-first Legislature of Texas, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 222, A bill to be entitled "An Act to create the South Park Independent School District, known as Common School District No. 6, in Jefferson county, Texas, to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 241, A bill to be entitled "An Act to empower the commissioners court of Fisher county to adopt a system for roads; and providing that the members of the commissioners court of Fisher county shall be ex officio road superintendents of their respective districts, and providing for bonds for said ex officio road superintendent; and providing for the appointment of deputy road superintendents, and fixing bonds for said deputy road superintendents; and providing that the county treasurer shall keep separate account of funds created under this Act; and providing for employment of convicts on public roads, and regulating officers and witness cost of such cases

when fines may be worked out on the public roads; and providing for hands to be worked upon the roads; and providing for a method of accounting for road superintendents; and providing for a compensation for road superintendents and deputy road superintendents; and providing for payment of labor on roads; and also providing for the levy of a special road tax under Article 4786 of the Revised Statutes by a majority vote, and providing for the expenditure of special road tax; and providing for the collector of insolvent poll taxes by requiring work on the roads; and providing that this Act shall be cumulative of the General Laws; and providing for an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 15, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, quarries, distilleries, breweries, manufacturing or other establishments using dangerous machinery, in manufacturing of goods for immoral purposes or when their health may be impaired or morals debased, or to send such child to any disorderly house, bawdy house or house of assignation, or to permit such child to go to any such house, and to provide penalties for violation of same, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 40, A bill to be entitled "An Act to amend Chapter 4, Acts of the Twenty-eighth Legislature, First Called Session, entitled 'An Act to amend Article 877, Chapter 2, Title 25, Revised Statutes of the State of Texas of 1895, authorizing the commissioners court of the

counties of this State to issue bonds for the purpose of improving and maintaining the public roads in their respective counties,' so that said Article 877 shall authorize and empower the commissioners court of any county in this State to issue bonds for the establishment of county poor houses and farms, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred, Senate bill No. 276, A bill to be entitled "An Act to authorize and permit the territory situated within the town of Crosbyton, in the county of Crosby, and State of Texas, and other land territory adjacent thereto to incorporate as an independent school district, for free school purposes only, to be known as the Crosbyton Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

House bill No. 124, A bill to be entitled "An Act providing the manner by which the qualified voters of any county, or common or independent school district of any county may by petition to the county judge, cause the county judge of any county to order an election to determine whether or not such county, common or independent school district may adopt the provisions of this Act for compulsory attendance by children between the ages of eight and fifteen years in such county or school district upon some public or other school; providing that any incorporated city, town or village that has taken over

the control of the public schools shall be embraced in the term 'Independent School District;' creating and defining certain duties of county judges and election officers, and providing how the election aforesaid shall be had; providing that should such election result in favor of compulsory attendance of children between the ages named upon some school, then that the county judge shall order compulsory attendance upon some school of all children between the ages named in such county or school district; providing for the compulsory attendance upon the public schools in the county or district adopting the provisions of this Act, and defining the duties of parent or persons having control of such child between eight and fifteen years, and providing the length of term such child shall attend such school, and providing penalties for the parent or person in charge of such child who violates the provisions of this Act, and exempting certain children from attendance upon some public school operating under the provisions of this Act; providing that if any parent or person in charge of such child or children are financially unable to furnish the necessary books, then that the same under certain terms and conditions shall be paid for by the county; defining certain duties of the county superintendent, of the county judge with reference thereto, and conferring certain authority on them; prohibiting the regular employment of any children between the ages of eight and fifteen where the school that such child should attend is in session, and creating and defining offenses in violating this Act, and prescribing a penalty therefor, and defining certain exceptions; defining certain duties of persons taking the school census of the district within the provisions of this Act, and of the county judge, county superintendent, county attorney and district judge; and prescribing that any child between the ages of eight and fifteen years if found within any county or district accepting the provisions of the Act, having neither parent or other person in charge of them, shall be taken in charge of and conveyed to the State Orphans' Home and there attend school for the length of time prescribed in the Act, and prescribing certain directions and conditions with reference to such child, and prescribing

ing certain duties for the commissioners court, sheriff and county judge; creating and defining certain offenses for violating certain provisions of this Act, and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

House bill No. 361, A bill to be entitled "An Act creating the Hollis Independent School District in Madison county, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

Senate bill No. 185, A bill to be entitled "An Act authorizing the trustees of common school districts and independent school districts to direct the time for conducting the public free schools in such districts, at such time, and in such number of terms as may be deemed by them, for the best interest of those within the scholastic age entitled to attend such schools, and to suspend any term of such schools when the average attendance thereon, in any one month, shall fall below thirty per cent of the scholastic population of such district.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred, Senate bill No. 278, A bill to be entitled, "An Act to amend Chapter 164, Section 21 of the Acts of the Twenty-ninth Legislature, 1905, so as to provide for the payment of all vouchers of teachers in the public schools of the State of Texas, as same fall due."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred, House Concurrent Resolution No. 29,

Whereas, Captain Andrew Moses, who is commandant of Cadets of A. & M. College, has fully demonstrated his ability to organize the military department of that school, and,

Whereas, under his direction the same has taken a very high rank in the United States as a military school, and,

Whereas, by his ability Captain Moses has endeared himself to the student body of that institution, therefore,

Be it Resolved, by the House of Representatives, the Senate concurring, that we request our United States Senators and members of Congress from Texas to ask the War Department to keep Captain Moses at A. & M. College at least a few more years.

That a copy of these resolutions be sent to members of Congress from Texas and a copy sent to the war Department.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred,

Senate Joint Resolution No. 8, "Joint Resolution proposing to amend Sections 10, 11 and 13 of Article 7 of the Constitution of the State of Texas, relating to the University of Texas; and to amend said Article 7 of the Constitution by adding thereto a new section to be known as Section 13a, prescribing the character of securities in which the permanent University fund may be invested; separating the Agricultural and Mechanical College of Texas from the University of Texas and providing for the transfer of bonds of the permanent University funds to the use of said College.

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass with the following amendments:

"Amend Section 1 of the Senate Joint Resolution, No. 8, by striking out all of said section after the word "Science" in line 22 of page 1.

"Amend Section 4 of Senate Joint Resolution No. 8, by striking out all in lines 19 and 29 inclusive on page two and adding in lieu thereof the following:

"In addition to such appropriation as may be made by the Legislature, there shall be levied and collected annually an ad valorem tax of two cents on the one hundred (\$100.00) dollars of value on all property in this State subject to taxation, which when collected, shall be expended as may be provided by law, for the equipment, maintenance, support, erection of buildings, and all other needs and expenses of the Agricultural and Mechanical College of Texas, which tax shall be in lieu of all interest of said College in the permanent University fund."

TERRELL of McLennan, Chairman.

(Majority Report.)

Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred,

Senate Joint Resolution No. 3, Senate Joint Resolution, to amend Section 1, Article 8 of the State of Texas.

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

TERRELL of McLennan, Chairman.

(Minority Report.)

Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred,

Senate Joint Resolution No. 3, Senate Joint Resolution, to amend Section 1, Article 8 of the State of Texas.

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass.

LATTIMORE.

GREER.

TERRELL of McLennan.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred,

Senate Joint Resolution No. 6, "Senate Joint Resolution proposing to amend Section 1, Article 8, of the Constitution of the State of Texas, relating to taxation, by exempting cotton and woolen mills, manufactures, including ground, machinery and property incident to such business."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

Senate bill No. 279, A bill to be entitled "An Act to make an appropriation of \$60,000 for the purpose of erecting, constructing, equipping and furnishing a boys' dormitory at the State Orphan Home at Corsicana, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed:

Amend the bill by striking out \$60,000 wherever it occurs within the caption and the body of the bill and insert in lieu thereof \$50,000.

WILLACY Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 213, A bill to be entitled, "An Act to amend Article 724, Title 29, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the qualifications of county judges."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 269, A bill to be entitled, "An Act to prohibit the introduction in evidence in any cases testimony divulging what shall have been testified to by any witness before a grand jury, except in criminal prosecutions for perjury, in which such testimony given before such grand jury is made the basis of such charge of perjury."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 273, A bill to be entitled, "An Act to amend sub-division 10 of Article 642 of the Revised Statutes of Texas (1895), relating to the purpose for which corporations may be created, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

House bill No. 8, A bill to be entitled "An Act to amend Article 2957, Chapter 1, Title 55, of the Revised Statutes of the State of Texas, relating to the issuance of a marriage license, the amendment providing that in case of a female under 18 years of age and a male under 21 years of age, the consent of the parent or guardian shall be given in person or in writing, signed and acknowledged by said parent or guardian before some officer authorized to take acknowledgements."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 250, A bill to be entitled, "An Act declaring that in cases, both civil and criminal, in the District and County Courts, in which the judge may be biased or prejudiced, related to either party, or interested, or has been of counsel, or is not disposed to accord to the accused or to some party to the suit a fair and impartial trial, such judge shall be disqualified, and describing how such disqualification may be presented to the court, and providing for selecting another judge to try such cause in such cases."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 250, A bill to be entitled, "An Act declaring that in cases, both civil and criminal, in the District and County Courts, in which the judge may be biased or pre-

judiced, or related to either party, or interested, or has been of counsel or is not disposed to accord to the accused or to some party to the suit a fair and impartial trial, such judge shall be disqualified, and describing how such disqualification may be presented to the court, and providing for selecting another judge to try such cause in such cases."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUME.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred

House Concurrent Resolution No. 17, "Relating to the practice of polygamy and polygamous cohabitation and contemplating an amendment to the Constitution of the United States forbidding such practice."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your committee on Judicial Districts, to whom was referred,

Senate bill No. 152, A bill to be entitled, "An Act to create the Seventy-first Judicial District of the State of Texas, to fix the time of holding the terms of the District Court in the counties composing said district; to provide for the appointment of a judge and a district attorney in said district; to make all processes issued or served before this Act goes into effect, including recognizances and bonds returnable to the terms of the District Court as herein fixed; to attach the unorganized counties of Cochran and Hockley to Lubbock county for judicial purposes; to reorganize the Thirty-second, Fiftieth and Sixty-fourth Judicial Districts of the State of Texas; to fix the times for the holding of the terms of court in each of the counties comprising each of

the said Thirty-second, Fiftieth and Sixty-fourth Judicial Districts; to provide for the return of all processes to each of the courts of said three last-named judicial districts; to provide for the attaching of the unorganized county of Bailey to Castro county for judicial and other purposes; declaring an emergency and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration and I am instructed by the Committee to report it back to the Senate with the recommendation that it do pass, with the following Committee amendment:

"Amend by striking out the figures 71 wherever they appear in the bill and insert the figures 72 in lieu thereof."

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

House bill No. 291, A bill to be entitled "An Act to prohibit the taking, catching, killing or destroying any fish in the fresh water streams, lakes, bayous, ponds or pools within this State, by means of dynamite, giant powder or other explosives or by means of poisoning, liming, ditching, muddying, draining or by the use of traps, nets, seines (except minnow seines for catching bait), or by any other means except the ordinary hook and line and trot line; prescribing penalties for its violation, exempting certain counties from the provisions of Section 3 of this Act, repealing Chapter 75 of the general laws of the Regular Session of the Thirtieth Legislature and Chapter 49 of the General Laws of the Thirty-first Legislature, and all other laws in conflict with the same, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 244, A bill to be entitled "An Act to amend Article 911 of the Penal Code so as to make the possession of and offer for sale of any hide of any cattle with the brand disfigured that the brand cannot be distinguished a felony and to provide the penalty therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

House bill No. 3, A bill to be entitled "An Act to amend Article 1546, Chapter 2, Title 32 of the Revised Statutes of 1895, which provides that any person living in the prescribed limits of said town or village having received the notice provided for in the foregoing Article, and failure to comply therewith, shall be deemed guilty of a misdemeanor and punished as provided for in the penal code, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to provide for completing the work of revising, digesting, annotating, indexing, printing and publishing the civil and criminal laws of the State of Texas, making an appropriation, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred,

Senate bill No. 277, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, within ten miles of the State University of Texas and all branches thereof, including the Agricultural and Mechanical College; except for medicinal, mechanical or sacramental purposes and fixing the penalty therefor, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judicial Committee No. 2, to whom was referred,

Senate bill No. 277, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication, within ten miles of the State University and all branches thereof, including the Agricultural and Mechanical College, except for medicinal, mechanical or sacramental purposes and fixing a penalty therefor, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WATSON.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred,

House bill No. 140, A bill to be en-

titled "An Act to amend Article 1113 of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature (1895) relating to the pay of jurors in criminal cases."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judicial Committee No. 2, to whom was referred,

Senate bill No. 209, A bill to be entitled "An Act to amend Chapter 116, General Laws of the State of Texas, passed by the Thirtieth Legislature at its Regular Session, approved April 16, 1907, 'An Act to prohibit the selling, giving or delivery of any spirituous, vinous or intoxicating liquors to any person under the age of twenty-one years without the written consent of the parent or guardian of such minor or someone standing in their place or stead, and to prohibit the causing of or being interested in any such sale, gift or delivery and to prohibit the agents of any express company or common carrier from knowingly making such sale, gift or delivery or causing the same to be done or being interested therein, and providing penalties therefor, and declaring an emergency.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judicial Committee No. 2, to whom was referred,

Senate bill No. 209, A bill to be entitled "An Act to amend Chapter 116, General Laws of the State of Texas, passed by the Thirtieth Legislature at its Regular Session, approved April 16, 1907, 'An Act to prohibit the selling, giving or delivery of any

spirituous, vinous or intoxicating liquors to any person under the age of twenty-one years without the written consent of the parent or guardian of such minor or someone standing in their place or stead, and to prohibit the causing of or being interested in any such sale, gift or delivery and to prohibit the agents of any express company or common carrier from knowingly making such sale, gift or delivery or causing the same to be done or being interested therein, and providing penalties therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WATSON.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred,

House bill No. 62, A bill to be entitled "An Act to regulate the practice of veterinary medicine, surgery, and dentistry, creating a board for the examination of applicants for the practice of veterinary medicine, surgery and dentistry, to be known as the 'State Board of Veterinary Medical Examiners,' prescribing penalties for the violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred,

House bill No. 135, A bill to be entitled "An Act to prohibit the sale, delivery, or other disposition of intoxicating liquors to convicts in this State; defining convict; defining intoxicating liquors; and prescribing penalties.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

PETITIONS AND MEMORIALS.

By Senator Hudspeth:

Telegram signed by A. E. Wilmeth, Secretary, Snyder Texas Commercial Club, expressing sense of mass meeting that the M. K. & T. Ry be authorized to lease the Texas Central system and protesting that Abilene as the proposed location of the Normal school is too far west.

By Senator Hudspeth:

Telegram signed by W. B. Moon, C. S. Eckard, John Gideon and F. F. Henneberg, committee of O. R. C., B. R. T., B. L. F., and E. and B. R. C. of A. in joint session requesting support of the full crew bill.

By Senator Hudspeth:

Telegram signed by L. H. McCrea, favoring leaving location of the State Normal school open to choice of the Senatorial district and that the bill be not passed requiring location of school at Abilene.

By Lieutenant Governor Davidson:

Telegram signed by A. C. Wilmeth, Secretary Snyder Texas Commercial club, indicating that Snyder would donate fifty thousand dollars and twenty acres of land for location of State Normal.

By Senator Johnson:

Petition numerously signed by citizens of Baylor county asking the Legislature to authorize Independent school districts to vote as much as seventy-five cents on the one hundred dollars valuation for school building and maintenance fund.

By Senators Mayfield, and Ratliff:

Petition numerously signed by citizens of their respective districts protesting against the enactment of a law taxing itinerant vendors of medicine \$375.00 annually.

By Senator Warren:

Petition numerously signed by citizens of Henderson county asking the Legislature to allow the St. Louis Southwestern Railway Company of Texas to purchase the lines of the Stephenville, North and South Texas Railway Company.

By Senator Collins:

Petition numerously signed by citizens of his district expressing satisfaction with Senator Carter's bill re-ar-

ranging the Judicial Districts of the 2nd and 4th districts, but protesting against a proposed summer term of court.

By Senator McNealus:

Petition numerously signed by citizens of Kemp expressing approval of his action in introducing a measure preventing the emptying of sewerage into the streams of Texas.

By Senator Ratliff:

Petitions numerously signed by citizens of Sulphur Springs and at Mt. Pleasant, Texas, asking support of the bill authorizing the consolidation of the St. Louis Southwestern Railway Company of Texas and the Eastern Texas Railway Company and the Stephenville, North and South Texas Railway Company.

By Senator Murray:

Petition numerously signed by citizens of his district favoring liberal appropriations for the Department of Animal Husbandry of the A. and M. College.

By Senators Murray and Lattimore.

Petitions numerously signed by citizens of their respective districts urging support of the following Farmers Union measures:

House bill No. 99, and Senate bill No. 23.

House bill No. 32, and Senate bill No. 46.

House bill No. 124, and Senate bill No. 82.

By Senator Johnson:

Petitions numerously signed by citizens of his district protesting against the enactment of a law requiring railway companies to pay employes twice monthly.

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, Feb. 21, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Carter.
Astin.	Cofer.
Bryan.	Collins.

Greer.
Hudspeth.
Hume.
Johnson.
Lattimore.
Mayfield.
McNealus.
Meachum.
Murray.
Paulus.
Peeler.
Perkins.

Ratliff.
Real.
Sturgeon.
Terrell, McLennan
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Watson.
Weinert.

Absent.

Kauffman.

Willacy

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

SIMPLE RESOLUTION.

By Senator Meachum, by unanimous consent:

Whereas, former Lieutenant Governor George D. Neal of Grimes county, who for four years was a beloved presiding officer of this body, is now present at the door of the Senate. Therefore, be it

Resolved, That we are much pleased to have our old friend, Gov. Neal, visit the Senate and extending him the cordial greeting of the body, we invite him to address the Senate forthwith, and that a committee of five be appointed by the President to escort him to the President's stand.

Meachum, Watson, Hudspeth, Terrell of Wise, Paulus.

The resolution was read and adopted.

The Chair appointed the above signers of the resolution as a committee to escort Ex-Lieutenant Governor Neal to the president's chair, who, after being introduced, thanked the Senate for the honor conferred upon him.

SIMPLE RESOLUTION.

By Senator Watson (as a privilege matter).